

REMARKS

Claims 1, 11-13 and 16 are now pending in the application. As more fully discussed below, Independent Claims 1 and 13 have been amended to include the limitations of various dependent claims. No new matter has been added.

Applicants do not agree with or acquiesce to the prior art rejection of previously presented Claims 1-21. Rather, to expedite the allowance of this application or to place the claims in optimal condition for appeal, Applicants have amended Independent Claims 1 and 13 and have cancelled numerous claims, all without disclaimer or prejudice to presenting previous Claims 1-21 in one or more later-filed, continuing applications.

Claim Amendments Do Not Raise New Issues And/Or Require New Search

As stated above, Applicants have made the above claim amendments to place the claims in condition for allowance or in optimal condition for appeal. The above claim amendments consist only of Applicants' insertion of language from various dependent claims into independent Claims 1 and 13. Therefore, the amended claim language – which was present in the examined dependent claims -- has already been the subject of a prior art search and examination by the Examiner. Consequently, the amendments do not raise new issues and/or require a new search, are proper for “after final” practice and should be entered to focus the issues for appeal.

Specification Objection

The Final Action objected to the Abstract for exceeding the 150 word limit. Applicants have amended the Abstract to comply with the word count limitation.

In addition, although not required by the Final Action, Applicants have amended the Title to more clearly reflect the claimed invention.

Prior Art Rejections Under 35 USC 102(b)

The Final Action rejected Claims 1-21 under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,017,330 to Hitchins et al. (hereinafter "Hitchins patent"). This rejection is respectfully traversed.

A. The claimed invention specifies, *inter alia*, that the plunger includes a cylindrical wall having a retaining shoulder formed along the circumference (Claim 1) or an axial length (Claim 13) thereof. For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. See *Motorola Inc. v. Interdigital Technology Corp.*, 43 USPQ2d 1481 (CAFC 1997).

In Figure 11 (cited in the Final Action), the Hitchins patent shows two stems or retention members 444 (of capture members 420, 422) attached to and extending from the base 312. (See Figure 11.) In particular, the Hitchins patent discloses that

Base 312 of plunger 15 preferably includes capture members 420 and 422 protruding rearwardly beyond the rear surface of base 15 by an amount sufficient to capture and retain flanges 414 and 416 of the piston head 412 (see, for example, FIG. 2B). Capture members 420 and 422 are preferably constructed of a flexible material such that capture members 420 and 422 flex radially outwardly when contacted by piston flanges 414 and 416 and subsequently "snap back" to capture piston flanges 414 and 416. While only two capture members 414 and 416 are shown, as clear of one skilled in the art, more than two capture members 414 and 416 can be used with a corresponding change in the shape of the piston head 412 (*Emphasis added*). Col. 12, lines 53-61.

The Final Action erroneously posits that the two stems / retention members 444 are a single "wall/base member (444)" that is "substantially cylindrical." Applicants

submit that there is no disclosure or teaching in the Hitchins patent of modifying the two stems or retention members 444 and forming them into a single cylindrical wall. Consequently, the Hitchins patent does not anticipate or suggest the claimed invention.

B. In addition, previous and current versions of the claimed invention specify four separate structural components – two for each of the plunger and the drive member. The plunger requires (1) a retaining shoulder and (2) inwardly projecting flanges, and the drive member requires (3) a retaining member and (4) outwardly extending flange members.

As described in the specification and presented in Claim 13, a first set of separate structural components on the drive member and the plunger interact to provide a specific function. That is, the at least one retaining member on the injector drive member engages the retaining shoulder on the plunger wall to enable the drive member to retract the syringe plunger to, for example, aspirate fluid into the body of the syringe for subsequent injection into a patient.

Further, a second set of separate structural elements on the plunger and the drive member interact to provide another specific function involving all 4 separate structural components. That is, a plurality of inwardly projecting flanges on the cylindrical plunger wall are adapted to engage one or more outwardly extending flange members on the drive member when the syringe body is rotated about its longitudinal axis. When syringe rotation occurs, the inwardly projecting flanges on the cylindrical plunger wall engage the outwardly extending flange members on the drive member, thereby causing the retaining member on the drive member to retract and disengage the retaining shoulder on the cylindrical plunger wall.

The Hitchins patent does not disclose or suggest these four separate structural components, nor the functions provided thereby. Instead, the Hitchins patent discloses a single set of structural components on the plunger and the drive member that interact with one another. Specifically, the Hitchins patent discloses two flanges 414, 416 on

the drive piston 412 that engage flexible capture members 420, 422 on the plunger 15 to retract the plunger within the syringe. To disengage the syringe from the injector, the syringe is rotated about its axis. This causes the plunger capture members 410, 422 themselves to rotate out of engagement with the flanges 414, 416 on the drive piston 412. In the Hitchins patent, syringe rotation does not result in another set of structural components interacting to cause the flanges 414, 416 on the drive piston 412 to retract and disengage from the capture members 420, 422 on the plunger – as specified in the claimed invention. These claimed structural components, interactions and functions are just not disclosed in the Hitchins patent.

In view of the above amendments and remarks, Applicant submits that the claims are in condition for allowance. Notice to that effect is hereby requested.

Respectfully submitted,

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I hereby certify that this correspondence is being electronically filed with the Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria, VA, 22313-1450 on December 12, 2006.


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